The meeting was called to order at 3.25 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

1. The CHAIRMAN paid tribute to the work of the outgoing rapporteur on issues relating to article 15, Mr. Van Boven, and said that Mr. Bossuyt had agreed to take on that work. If there was no objection, he would take it that the Committee approved.

2. It was so decided.

Proposal for a thematic discussion on the situation of the Roma (CERD/C/56/Misc.26)

3. Mr. BANTON, introducing the report of the Working Group (CERD/C/56/Misc.26), said that the statement referred to in paragraph 3 should initially be publicized on the Office of the United Nations High Commissioner for Human Rights (OHCHR) Web site. A substantial report was expected from the Organization for Security and Cooperation in Europe (OSCE), which had had a contact point in Warsaw on Roma problems for some 12 months. It was likely to be an authoritative one and, as far as the situation in Europe was concerned, very comprehensive.

4. Mr. BOSSUYT said that, if a submission was expected from OSCE, the words "intergovernmental organizations" should be inserted in the last part of the final sentence of paragraph 3 of the report.

5. It was so decided.

6. Mr. RECHETOV suggested that, after the fifty-seventh session, a general recommendation could be made that States parties with Roma populations should take account of the question in their reports.

7. The CHAIRMAN said he took it that the Committee wished to approve the recommendations contained in the report of the Working Group, as amended.

8. It was so decided.

Draft general recommendation concerning article 6 (continued) (CERD/C/56/Misc.27)

9. Mr. BANTON suggested that paragraph 2 of the draft general recommendation should be amended to read as follows:

> "The Committee notifies States parties that in its opinion the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination, which is embodied in article 6 of the Convention, is not necessarily secured solely by the punishment of the perpetrator of the discrimination; at the same time the courts and other competent authorities should consider awarding financial compensation for damage, both material and moral, suffered by a victim whenever appropriate."

10. Mr. FALL suggested that the words "damage, both material and moral" should be replaced by the words "material or moral damage".

11. It was so decided.

12. The draft general recommendation on article 6, as amended, was adopted.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

13. The CHAIRMAN said that the subject of the World Conference would be dealt with by an open-ended working group, which would discuss the Contact Group's report.

14. Mr. SHAHI asked what status the working group's decisions would have.

15. The CHAIRMAN said that the open-ended working group would have a mandate from the Committee to deal with issues concerning the World Conference. He reminded Committee members that it had been decided that the Contact Group would report to the working group and to the Committee as a whole.

16. Mr. SHAHI said the Contact Group would be stronger and more representative if Mr. Valencia Rodriguez was a member. He therefore wished to propose Mr. Valencia Rodriguez as a member of the Group.

17. Mr. FALL said he had consulted Committee members informally as to whether they wished to reopen the debate on membership of the Contact Group, on which a decision had already been taken. Eight members were against the idea, six were in favour and three had abstained. Clearly, then, the decision should stand.

18. Mr. SHAHI said he was not reopening the debate, merely proposing the name of a respected colleague for membership of the Group. He requested that the matter should be put to a vote.

19. The CHAIRMAN asked whether Mr. Shahi would accept an informal indication of how members felt, in order to avoid a vote.

20. Mr. SHAHI said that the World Conference had taken on enormous importance in view of the denials of the right to life in places like Bosnia, Rwanda and Kosovo and that the prevention of genocide should be the main item on the agenda. However, for various reasons, the Committee had not been able to consider individual Committee members' papers on that subject and they were still pending. The Contact Group had therefore assumed greater importance and there was a feeling that it should reflect the varying points of view in the Committee. He therefore requested the Committee to take a position in a formal vote.

21. Mr. ABOUL-NASR said he hoped the issue would not be a divisive one. The aim was to have an efficient Contact Group. Under its terms of reference, the Group had no right to represent the Committee or act without instructions; its role was simply to contact and report.

The question was not one of geographical distribution but of filling the gap left by Mr. Garvalov, whose departure had left the Contact Group with no one with similar experience of the United Nations or of United Nations conferences. Mr. Valencia Rodriguez would be an admirable replacement.

22. Mr. NOBEL, speaking on a point of order, proposed that the debate on the composition of the Contact Group should not be reopened.

23. Mr. SHAHI said that reopening the debate would mean discussing the whole membership of the Contact Group. He was making a new proposal, that an additional member should join the Group.

24. Mr. FALL said that, since a vote had already been taken, Mr. Shahi's proposal amounted to a reopening of the debate. Under the rules of procedure, a debate could not be reopened without the consent of two thirds of those present and voting. If members were not satisfied with the results of the consultation he had carried out, the Committee should vote on the point of order to decide whether to reopen the debate. That was the strictly legal approach, but in his view the subject had already been thoroughly discussed and the Committee should avoid divisions. Mr. Valencia Rodriguez would be able to make his contributions through the open-ended working group.

25. Mr. SHAHI said that, as far as his proposal was concerned, no decision had been taken. The original suggestion that the Contact Group should have four members had been rejected, but the names had been different. The name he was proposing was a new name and the proposal was therefore a new one.

26. Mr. Nobel's proposal not to reopen the debate was adopted by 8 votes to 1, with 6 abstentions; two members did not participate in the vote.

27. The CHAIRMAN, in reply to a question by Mr. ABOUL-NASR, assured the Committee that the Contact Group's terms of reference would be applied strictly.

CLOSURE OF THE SESSION

28. After an exchange of courtesies, the CHAIRMAN declared the fifty-sixth session closed.

The meeting rose at 4.45 p.m.